

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

**BECTON, DICKINSON AND
COMPANY,**

Plaintiff,

V.

BECKMAN COULTER, INC.,

Defendant.

Civ. No. 21-833-CFC/JLH

ORDER

Pending before me are the parties' objections (D.I. 108; D.I. 109) to the Magistrate Judge's Report and Recommendation issued on January 12, 2022 (D.I. 100). Becton Dickinson has objected to the Magistrate Judge's recommendation that I deny its motion for a preliminary injunction (D.I. 17). Beckman Coulter has objected to the Magistrate Judge's recommendation that I deny its partial motion to dismiss without prejudice (D.I. 10). I have reviewed the Report and Recommendation, the objections, the parties' responses to the objections, the briefing the parties submitted to the Magistrate Judge in connection with the motions, and the transcript of the motions hearing conducted by the Magistrate Judge on January 7, 2022.

The Magistrate Judge had the authority to make her findings and

recommendations under 28 U.S.C. § 636(b)(1)(B). I review her findings and recommendations de novo. § 636(b)(1); see also Fed. R. Civ. P. 72(b)(3); *Brown v. Astrue*, 649 F.3d 193, 195 (3d Cir. 2011).

I agree with the Magistrate Judge's conclusions and do not think she made any legal error; and I will therefore adopt the Report and Recommendation and overrule the parties' objections. The Magistrate Judge having thoughtfully and, in my view correctly, assessed the merits of the arguments raised in the parties' objections, nothing more need be said. *Cf.* Fed. Cir. R. 36.

NOW THEREFORE, on this 28th day of February in 2022, IT IS HEREBY ORDERED that:

1. Plaintiff's objections to the Magistrate Judge's Report and Recommendation (D.I. 109) are OVERRULED;
2. Defendant's objections to the Magistrate Judge's Report and Recommendation (D.I. 108) are OVERRULED;
3. The Report and Recommendation (D.I. 100) is ADOPTED;
4. Plaintiff's motion for a preliminary injunction (D.I. 19) is DENIED; and
5. Defendant's partial motion to dismiss (D.I. 10) is DENIED.


CHIEF JUDGE